

Dorsey Roach

October 23, 2024

<div>Page 1</div> <div>IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA</div> <div>MEWBOURNE OIL COMPANY,)) Plaintiff,)) -vs-) CASE NO. 5:24-CV-00143-G) YUKON TRADING COMPANY, L.L.C.,)) Defendant.)</div> <div>VIDEOTAPED DEPOSITION OF DORSEY TOLIVER ROACH TAKEN ON BEHALF OF THE DEFENDANT IN OKLAHOMA CITY, OKLAHOMA ON OCTOBER 23, 2024</div> <div>REPORTED BY: TRENA K. BLOYE, CSR</div>	<div>Page 3</div> <div>TABLE OF CONTENTS</div> <div>DORSEY TOLIVER ROACH Page Direct Examination by Ms. Rudnicki 6 Jurat Page 172 Correction Sheet 173 Certificate 174</div> <div>INDEX OF EXHIBITS</div> <div><table><tr><th>Exhibit</th><th>Description</th><th>Page</th></tr><tr><td>Exhibit 1</td><td>Deposition Notice and Subpoena</td><td>6</td></tr><tr><td></td><td>Duces Tecum</td><td></td></tr><tr><td>Exhibit 2</td><td>Roach Summary of Opinions</td><td>8</td></tr><tr><td>Exhibit 3</td><td>12/29/23 Plunkett letter</td><td>42</td></tr><tr><td>Exhibit 4</td><td>12/29/23 Redman letter</td><td>42</td></tr><tr><td>Exhibit 5</td><td>Section 1 Pooling order</td><td>83</td></tr><tr><td>Exhibit 6</td><td>9/12/23 Email chain with attachment</td><td>85</td></tr><tr><td>Exhibit 7</td><td>Affidavit of Dorsey T. Roach</td><td>102</td></tr><tr><td>Exhibit 8</td><td>9/29/21 Letter agreement</td><td>105</td></tr><tr><td>Exhibit 9</td><td>10/31/23 Letter agreement</td><td>109</td></tr><tr><td>Exhibit 10</td><td>Exhibit A to 10/31/23 Letter agreement</td><td>110</td></tr></table></div>	Exhibit	Description	Page	Exhibit 1	Deposition Notice and Subpoena	6		Duces Tecum		Exhibit 2	Roach Summary of Opinions	8	Exhibit 3	12/29/23 Plunkett letter	42	Exhibit 4	12/29/23 Redman letter	42	Exhibit 5	Section 1 Pooling order	83	Exhibit 6	9/12/23 Email chain with attachment	85	Exhibit 7	Affidavit of Dorsey T. Roach	102	Exhibit 8	9/29/21 Letter agreement	105	Exhibit 9	10/31/23 Letter agreement	109	Exhibit 10	Exhibit A to 10/31/23 Letter agreement	110									
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<div>Page 2</div> <div>APPEARANCES</div> <div>For the Plaintiff: CHRISTOPHER M. HOGAN CODY RUTOWSKI HOGAN THOMPSON SCHUELKE LLP 1001 Fannin Street Suite 4775 Houston, Texas 77002 chogan@hoganthompson.com</div> <div>For the Defendant: LEAH T. RUDNICKI THE RUDNICKI FIRM 6305 Waterford Boulevard Suite 325 Oklahoma City, Oklahoma 73118 405-445-7421 leah@rudnickifirm.com</div> <div>Video Operator: Bruce Rodgers</div>	<div>Page 4</div> <div>INDEX OF EXHIBITS, CONTINUED</div> <div><table><tr><th>Exhibit</th><th>Description</th><th>Page</th></tr><tr><td>Exhibit 11</td><td>Mewbourne Section 12 Pooling Order</td><td>125</td></tr><tr><td>Exhibit 12</td><td>11/1/23 Email chain</td><td>127</td></tr><tr><td>Exhibit 13</td><td>11/22/23 Email chain with attachments</td><td>135</td></tr><tr><td>Exhibit 14</td><td>11/1/23 Email chain</td><td>137</td></tr><tr><td>Exhibit 15</td><td>Continued 11/1/23 email chain</td><td>137</td></tr><tr><td>Exhibit 16</td><td>12/8/23 Edwards letter</td><td>138</td></tr><tr><td>Exhibit 17</td><td>1/25/24 Chapman letter with attachments</td><td>139</td></tr><tr><td>Exhibit 18</td><td>12/22/23 Giffhorn letter with attachment</td><td>143</td></tr><tr><td>Exhibit 19</td><td>1/8/24 Giffhorn email</td><td>145</td></tr><tr><td>Exhibit 20</td><td>2/1/24 Email chain</td><td>147</td></tr><tr><td>Exhibit 21</td><td>1/24/24 Email chain with attachments</td><td>152</td></tr><tr><td>Exhibit 22</td><td>1/4/24 Email chain</td><td>154</td></tr><tr><td>Exhibit 23</td><td>7/8/24 Email chain with attachments</td><td>157</td></tr><tr><td>Exhibit 24</td><td>7/8/24 Email chain</td><td>169</td></tr></table><div>*****</div></div>	Exhibit	Description	Page	Exhibit 11	Mewbourne Section 12 Pooling Order	125	Exhibit 12	11/1/23 Email chain	127	Exhibit 13	11/22/23 Email chain with attachments	135	Exhibit 14	11/1/23 Email chain	137	Exhibit 15	Continued 11/1/23 email chain	137	Exhibit 16	12/8/23 Edwards letter	138	Exhibit 17	1/25/24 Chapman letter with attachments	139	Exhibit 18	12/22/23 Giffhorn letter with attachment	143	Exhibit 19	1/8/24 Giffhorn email	145	Exhibit 20	2/1/24 Email chain	147	Exhibit 21	1/24/24 Email chain with attachments	152	Exhibit 22	1/4/24 Email chain	154	Exhibit 23	7/8/24 Email chain with attachments	157	Exhibit 24	7/8/24 Email chain	169
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<p style="text-align: right;">Page 5</p> <p>1 STIPULATIONS</p> <p>2</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED BY and</p> <p>5 between the parties hereto, through their respective</p> <p>6 attorneys, that the videotaped deposition of DORSEY TOLIVER</p> <p>7 ROACH may be taken on behalf of the Defendant on the 23rd</p> <p>8 day of October, 2024, in Oklahoma City, Oklahoma, by Trena</p> <p>9 K. Bloye, Certified Shorthand Reporter for the State of</p> <p>10 Oklahoma, by notice pursuant to the Federal Rules of Civil</p> <p>11 Procedure.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 * * * * *</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 I've handed you as Exhibit No. 1 is Defendant's Notice to</p> <p>2 Take Deposition of Dorsey T. Roach. Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Have you seen this document before?</p> <p>5 A No.</p> <p>6 Q You have not seen it before?</p> <p>7 A No, I don't believe so, no.</p> <p>8 Q No. Okay. If you look at page 3 of the stapled</p> <p>9 Exhibit 1 you will see a subpoena on the back. Do you see</p> <p>10 that?</p> <p>11 A Yes.</p> <p>12 Q Have you seen that before?</p> <p>13 A No.</p> <p>14 Q Okay. How about the Subpoena Duces Tecum that's</p> <p>15 attached as Exhibit A, have you seen that before?</p> <p>16 A Uh, I -- no.</p> <p>17 Q Okay. Let's take just a hot minute, then, and why</p> <p>18 don't you look at Exhibit A, page 1, and just read it. Let</p> <p>19 me know when you have taken -- since you haven't seen it</p> <p>20 before, I'm just giving you time to read it.</p> <p>21 A Sure.</p> <p>22 (The witness reviewed the document.)</p> <p>23 Q (By Ms. Rudnicki) And as you're looking at the</p> <p>24 page 1, just to help you follow along, the first part here</p> <p>25 is definitions. Agree?</p>
<p style="text-align: right;">Page 6</p> <p>1 VIDEO OPERATOR: Going on the record. The</p> <p>2 court reporter will swear in the witness.</p> <p>3 DORSEY TOLIVER ROACH,</p> <p>4 after having been first duly sworn at 9:03 a.m., deposes</p> <p>5 and says in reply to the questions propounded as follows,</p> <p>6 to wit:</p> <p>7 DIRECT EXAMINATION</p> <p>8 BY MS. RUDNICKI:</p> <p>9 Q Good morning, Mr. Roach.</p> <p>10 A Good morning.</p> <p>11 Q Can you give your full name for the record?</p> <p>12 A Including my middle?</p> <p>13 Q Yes, just give it all.</p> <p>14 A It's Dorsey Toliver Roach.</p> <p>15 Q And do you go by any other names?</p> <p>16 A No.</p> <p>17 (Exhibit 1 was marked for</p> <p>18 identification.)</p> <p>19 Q I'm gonna hand you what I have marked as Exhibit</p> <p>20 No. 1.</p> <p>21 MR. HOGAN: Do you have a copy?</p> <p>22 MS. RUDNICKI: Oh, sorry. I even wrote No. 1</p> <p>23 on it for you.</p> <p>24 MR. HOGAN: Oh. I'm going to circle it.</p> <p>25 Q (By Mr. Hogan) And I'll represent to you that what</p>	<p style="text-align: right;">Page 8</p> <p>1 A Yes.</p> <p>2 Q And there is 1 through 9 definitions that then get</p> <p>3 used in the document request later on. In looking at those</p> <p>4 definitions, do those look like topics that you are</p> <p>5 prepared to speak about today for your deposition?</p> <p>6 A On the documents requested?</p> <p>7 Q The definitions.</p> <p>8 A Oh, definitions.</p> <p>9 Q Um-hum.</p> <p>10 A I believe so, yes.</p> <p>11 Q Okay. Now go ahead and take a look at the</p> <p>12 documents requested in relation to those.</p> <p>13 (The witness reviewed the document.)</p> <p>14 A Okay.</p> <p>15 Q Okay. You have had an opportunity. And there are</p> <p>16 seven different categories of things requested. Would you</p> <p>17 agree?</p> <p>18 A Yes.</p> <p>19 (Exhibit 2 was marked for</p> <p>20 identification.)</p> <p>21 Q Okay. Now I'm going to hand you what's marked as</p> <p>22 Exhibit No. 2. And I believe this, what I've handed you,</p> <p>23 Exhibit No. 2, is the Summary of Opinions and what is being</p> <p>24 referred to as the report. Do you agree with that?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Q And so if we look at the definitions, we're going 2 to look at Exhibit 1 and Exhibit 2 together for context. 3 If you go to that Exhibit A, page 1 of Exhibit 1, and then 4 on Exhibit 2 the definition of 7, No. 7 under the 5 definitions, "Report" means "Summary of opinions of Dorsey 6 T. Roach, CPL," given in this lawsuit. And then I think we 7 established Exhibit 2 is that report. 8 A Yes, that's correct. 9 Q Okay. And just so that we can -- this lawsuit is 10 the United States District Court for the Western District 11 of Oklahoma, Case No. CIV-24-143-G; correct? 12 A Yes. 13 Q And you are here to provide opinions and have been 14 retained by the attorneys representing Mewbourne Oil 15 Company in this matter; correct? 16 A Yes. 17 Q And be Mewbourne Oil Company is named as the 18 Plaintiff in this case? 19 A Yes. 20 Q And are there other cases in which you have been 21 retained by the attorneys representing Mewbourne to be an 22 expert? 23 A Yes. 24 Q How many other cases? 25 A There's one other case that's just -- just</p>	<p style="text-align: right;">Page 11</p> <p>1 I probably don't have any records of that either. 2 Q Okay. So that was, what you just described is one 3 other instance you recall working for or on behalf of 4 Mewbourne in some capacity related to a lawsuit? 5 A I wasn't really working for Mewbourne. I was 6 just -- they asked me to be, not a witness, but more of 7 a -- just a -- I think it was a fact witness, perhaps, in 8 that particular case. 9 Q So not as an expert witness? 10 A No. No, definitely not. 11 Q Okay. So to wrap that up into a tight little bow, 12 you have not been -- you have not issued an expert report 13 for Mewbourne in any other case than this one? 14 A Not that I recall. 15 Q And what you talked about from 18 or 19 years ago 16 was not in the capacity as an expert -- 17 A That's correct. 18 Q -- witness. Sorry, Trena. 19 Do you recall when you were retained in this case? 20 A I really don't recall. It's October. I'm pretty 21 sure it was over the summer, but I just can't recall 22 exactly when. 23 Q In the year 2024? 24 A Yes. 25 Q We're in the year 2024 right now; right?</p>
<p style="text-align: right;">Page 10</p> <p>1 commenced. It -- I haven't really done anything yet. 2 Q Do you know what -- what county is that in, do you 3 remember? 4 A I don't recall. I don't know that I have been 5 furnished any materials on it yet. 6 Q Do you recall doing an affidavit for Mewbourne in 7 another case? 8 A An affidavit? Yes, I believe so. 9 Q Okay. Can you recall doing any reports, expert 10 reports other than this one in front of us for Mewbourne? 11 A No, I believe this is it. 12 Q This is the first full report you have done? 13 A I believe this is the first full report, yes. 14 Q And so we have the report and then you recall the 15 affidavit in a state court case in Oklahoma? 16 A Yes. 17 Q Correct? 18 A Yes. 19 Q Do you recall doing any other affidavits for 20 Mewbourne? 21 A No. Let me back up. Maybe about 18 or 19 years 22 ago there was a case involving Mewbourne. And I don't even 23 remember -- I remember who it was with, but I don't 24 remember what exactly my role was. I signed something for 25 the attorney representing Mewbourne, but I don't recall and</p>	<p style="text-align: right;">Page 12</p> <p>1 A Yes. 2 Q So it's October 22nd, 2024. 3 A Yes. 4 Q 23rd? 5 A 23rd. 6 Q 23rd. You were not retained by the lawyer for 7 Mewbourne in 2023 to your recollection? 8 A I don't think so. I think it was -- it goes back 9 that far. 10 Q Mewbourne has been represented by other lawyers 11 other than their current lawyers in some of the cases 12 against my client, including Dale Cottingham. Have you 13 ever done any work for Dale Cottingham? 14 A No. 15 Q What about Bradley Walsh? 16 A No. 17 Q And Steven Beam is a lawyer in this case as a 18 local lawyer. Have you worked with Mr. Beam in cases other 19 than this one to your knowledge? 20 A No. 21 Q Who is your employer? 22 A Whoever is willing to send me a check. I work for 23 myself. 24 Q You're self-employed? 25 A Yes.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Q And do you do your expert services, expert witness 2 services in litigation through UnitPro Land Consultants 3 LLC? 4 A Yes. 5 Q And are there any other owners or members of 6 UnitPro Land Consultants LLC other than yourself? 7 A No. 8 Q Are there any employees other than yourself? 9 A No. 10 Q Do you use any other staff or assistants in 11 preparing expert reports? 12 A No. 13 Q Other than expert witness engagements, what kind 14 of work does UnitPro Land Consultants LLC do? 15 A I do some consulting for companies, especially 16 companies that are trying to negotiate, either they receive 17 or want to send out an operating agreement. I oftentimes 18 review these contracts and give my recommendations as to 19 additions and deletions to those contracts. 20 Q Since you have been doing the consulting work, you 21 mentioned joint operating agreements. Are you being hired 22 on behalf of the operator or non-operators in those 23 instances? 24 A Both. 25 Q If you could apply a percentage how often do you</p>	<p style="text-align: right;">Page 15</p> <p>1 wells or the number of clients? 2 MR. HOGAN: Objection to form. 3 A Oh, I'm probably looking at the number of 4 lawsuits. 5 Q (By Ms. Rudnicki) Oh, interesting. Okay. So what 6 I was trying to get at is non-lawsuit expert work. 7 A Okay. 8 Q So non-expert work, so not related to any 9 litigation. 10 A Okay. 11 Q Okay? And you told me that you do consulting work 12 for operators and non-operators. And I believe when we 13 were talking about that, we were not talking about expert 14 witness work. 15 A Okay. 16 Q Is that accurate or did I misunderstand what you 17 were saying? 18 A Well, I guess in response to your question, you 19 know, what percentage of my work is done in Oklahoma versus 20 other states that is not oil litigation related. And I 21 would probably still say Texas is still probably the state 22 that I probably receive most from. But I receive requests 23 from all over the United States and Canada. So, but, yeah, 24 Texas, probably a few more in Texas, but not that many more 25 than I have Oklahoma. There's probably, surprisingly</p>
<p style="text-align: right;">Page 14</p> <p>1 think you get hired by a -- non-expert witness work, how 2 often do you get hired by a non-operator versus an 3 operator? 4 A It's -- it's probably 50/50. 5 Q The -- kind of using the same parameters, instead 6 of doing non-operator versus operator, what is the 7 geographic location of the work that you are performing as 8 a consultant? 9 A Pretty much all oil and gas producing states. 10 Q Is there any concentration in one area? 11 A I would say probably Texas is probably where I 12 have -- you know, not that they represent a majority of the 13 states, just I probably have more in Texas than I do other 14 states. Oklahoma would probably be a close second. 15 Q And when we're applying the, you know, percentages 16 or majority, et cetera, when you're thinking about that in 17 terms of geography, what are you using as your units, like 18 the number of wells, the number of clients, the number of 19 money? Which one are you kind of thinking of? 20 A Can you repeat that question? I'm not sure I 21 understand it. 22 Q So we're saying that the majority is in Texas, 23 just simply because there is a lot more going on in Texas 24 than there are in other states. Underlying that, what were 25 you thinking of when you were saying that? The number of</p>	<p style="text-align: right;">Page 16</p> <p>1 there's not as much here because of the forced pooling. 2 Q Not as much requests for consulting services of 3 agreements between operators and non-operators in Oklahoma 4 than in Texas due to the forced pooling? 5 A Yeah. The forced pooling has removed negotiations 6 of contracts throughout this state. 7 Q And so the consulting work that you're doing that 8 is not related to expert witness work -- 9 A Yes. 10 Q -- is the consulting work for negotiating 11 agreements? 12 A I would say for the most part. There's all kinds 13 of little unique things that operators ask me to do and 14 just do investigations, try to figure out why aren't they 15 getting paid an override on a well that's been drilled, and 16 just -- it could be anything and everything. It's, you 17 know, just when people kind of don't know, you know, how to 18 look at something or need some help in gathering facts, 19 what have you, I do that. 20 I mean, it's -- I can't really say it's just this. 21 It's a real wide variety of things. 22 Q In the -- when was the last time you did a 23 consulting job not related to an expert witness engagement 24 relating to a PPLA? 25 A Oh, gosh. You know, this would be non-litigation</p>

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usually, the PPLAs. I have probably done five or six in the last few years reviewing and consulting with clients about these. So not that many, but, you know, I have a few scattered here and there.

Q And so my question was when was the last time you were hired for that? So you think it was about five years ago?

MR. HOGAN: Object to the form. Sorry. You can answer.

A No. It's been more recent than that. I just can't recall. It's not that much of what I do, so I can't really say for sure when the last one was. But I have done, I know, four or five in the last few years.

Q (By Ms. Rudnicki) Four or five in the last -- I converted -- I messed those up in my question. So four or five of those related to PPLAs, what state were they in?

A All Oklahoma.

Q When I say PPLA, what does that mean?

A Oh, pre-pooling letter agreement.

Q And I use that acronym because you use it in your report, and I think it's a common acronym in the industry. Yes?

A Yes.

Q But is it a common acronym in every state?

A I'm not familiar with the PPLAs, or at least their

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A Oh, gosh. I'm all over Oklahoma. I mean, I have so many things from, you know, the Arkoma Basin down to Southern -- probably most has been in western, northwestern Oklahoma, though.

Q And where are the wells at issue here?

A Oh, these are in Custer County, Western Oklahoma, Anadarko Basin.

Q And so how many of the PPLAs were in a similar location to the wells in this case?

A I don't recall, but I imagine there have been several in the Anadarko Basin. I can't recall where exactly, so -- but usually just anything in the Anadarko Basin is actually pretty close.

Q Were any of those consulting engagements that you had on negotiating PPLAs in Western Oklahoma with Mewbourne?

A No.

Q Were -- same question, but was Mewbourne on the other side?

A No.

Q Same question, but with Yukon Trading, have you looked at any other than in this case between Yukon Trading and any other company?

A No.

Q Do you recall the names of the companies that were

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being referred to as PPLAs in other states. You know, Texas doesn't have forced pooling so you don't have those in Texas. And a lot of those states, Arkansas, you have to use their form of operating agreement so there is no PPLAs there. West Virginia is the most recent state to have forced pooling, and they are just still trying to figure it out. And I have been doing a lot of consulting --

Q Up there?

A -- in West Virginia on this, because the people there don't have a clue as to what to do or how to do it, and not that I do either on some of this. But usually -- sometimes we used to refer to these as just letter agreements 40 years ago when I first was involved with preparing PPLAs and negotiating PPLAs. We just called them letter agreements. Side letter agreements is what we referred to them as when we were negotiating.

And so there is still some of that that goes on in other states, the side letter agreements that, you know, you agree not to -- whatever it might be.

Q People can do any kind of agreement; right?

A I don't know about that, but people do all kinds of agreements.

Q Fair enough. In the PPLAs that you had in the last couple of years in Oklahoma, what counties were they in?

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involved in those PPLAs?

A I really don't recall now.

Q How many clients in the last five years have you worked for?

A I would say at least 20 or 25.

Q And in the back, on your list of cases in your report, on Exhibit D, your list of testimony.

A Yes.

Q There are 29 different ones listed. Not all of them are different clients, but almost all of them are different. Is that about consistent with how many you have or do you think that would be double?

A Well, I mean, I -- I very rarely ever have the same client multiple times. Sometimes I do. I've had one client that I have probably been in six or seven cases for down in Texas. But probably for the majority, most of these you see, it's probably just one time for each of these clients.

There's other cases I've been involved with that I didn't present testimony.

Q And then there's other situations where you were the consultant not involved in litigation; correct?

A Yes.

Q And so if we took all of those together and put them in one big list of your clients, do you think it's

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<p>1 But now, the paper that's referenced here, is when</p> <p>2 we were still in the drafting process and it was to kind of</p> <p>3 give everyone advance notice as to what our committee was</p> <p>4 doing.</p> <p>5 Q Did you get the opportunity to go to Victoria,</p> <p>6 Canada?</p> <p>7 A I was supposed to go.</p> <p>8 Q Oh, you didn't get to go?</p> <p>9 A I was sick. I had health issues and I was unable</p> <p>10 to travel just right at that time. So one of the other</p> <p>11 committee members took the paper I wrote, I drafted it, and</p> <p>12 he just went up to deliver it.</p> <p>13 Q Well, the only reason I ask is because I was there</p> <p>14 and I didn't remember seeing you. So I was very confused.</p> <p>15 Now this all makes sense.</p> <p>16 A Yeah, yeah.</p> <p>17 Q Since 2018 have you written a paper or published</p> <p>18 an article or given a presentation as to the new AAPL model</p> <p>19 form participation agreement other than the one you</p> <p>20 described working on related to Paul Yale's?</p> <p>21 A Yes. I gave my first one less than 30 days ago.</p> <p>22 Q Okay. I kind of thought that might be the case,</p> <p>23 which is why I asked the question. Where and what?</p> <p>24 A It was an in-house seminar for Marathon in</p> <p>25 Houston.</p>	<p>1 A Well, this particular litigation deals with</p> <p>2 elections that are alleged not to have been made or failure</p> <p>3 to make an election. I'm trying to recall with all the</p> <p>4 different provisions. This is a fairly complex agreement.</p> <p>5 I'm trying to think of where we might have -- or where I</p> <p>6 may have -- or where our committee may have addressed</p> <p>7 failure to make an election. As I suspect, I can't</p> <p>8 remember where, but there is probably in some of these</p> <p>9 provisions there is probably something to that effect of</p> <p>10 failure to make an election on one of these various</p> <p>11 options, but I just can't recall.</p> <p>12 Q And that's fair. If you go to page 3 of your</p> <p>13 report, which is Exhibit No. 2. And again, I numbered</p> <p>14 them.</p> <p>15 A Which page?</p> <p>16 Q Three.</p> <p>17 MS. RUDNICKI: Did I number yours?</p> <p>18 MR. HOGAN: Yeah. Thank you.</p> <p>19 MS. RUDNICKI: You're welcome.</p> <p>20 Q (By Ms. Rudnicki) Okay. So if you look at the</p> <p>21 very top, the second paragraph, "Over the last 15 years I</p> <p>22 have also been employed as an expert witness and as an</p> <p>23 expert consultant in a number of oil and gas related</p> <p>24 litigation cases involving lands in Oklahoma. And my</p> <p>25 qualifications as an expert witness in pulling orders,</p>
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<p>1 Q Was anything that you prepared for them specific</p> <p>2 to Marathon?</p> <p>3 A No.</p> <p>4 Q So that was one that you could also provide a copy</p> <p>5 of that I wouldn't be able to get it anywhere else but from</p> <p>6 you; is that right?</p> <p>7 A Yes.</p> <p>8 Q And did you give it live in Houston?</p> <p>9 A Yes.</p> <p>10 Q How often do you give in-house presentations?</p> <p>11 A I probably do one or two a year.</p> <p>12 Q Are there specific companies that contact you</p> <p>13 regularly?</p> <p>14 A No. That was my second one for Marathon. But the</p> <p>15 first one was probably 10 or 12 years ago.</p> <p>16 Q Does the model form participation agreement deal</p> <p>17 with elections?</p> <p>18 A Yes.</p> <p>19 Q Is there any relation to the model form</p> <p>20 participation agreement that has been developed relating to</p> <p>21 elections that, in your opinion, pertain to this litigation</p> <p>22 here?</p> <p>23 MR. HOGAN: Objection to the form.</p> <p>24 A No.</p> <p>25 Q (By Ms. Rudnicki) Why not?</p>	<p>1 pre-pooling letter agreements and joint operations have</p> <p>2 previously been accepted by Oklahoma courts." Did I read</p> <p>3 that accurately?</p> <p>4 A Yes.</p> <p>5 Q Okay. We've been talking about PPLA, and that is</p> <p>6 what is listed right after the word pooling orders where it</p> <p>7 says pre-pooling letter agreements. Do you agree?</p> <p>8 A Yes.</p> <p>9 Q Which of the cases listed on Exhibit D dealt with</p> <p>10 pre-pooling letter agreements?</p> <p>11 A I don't believe any of those listed on Exhibit D</p> <p>12 dealt with pre-pooling letter agreements. Most of these</p> <p>13 cases were outside the state of Oklahoma. But as --</p> <p>14 Q Real quick. So none of these listed deal with a</p> <p>15 pre-pooling letter agreement to your recollection on</p> <p>16 Exhibit D?</p> <p>17 A Not that I recall.</p> <p>18 Q Okay. So we're going to eliminate what's on</p> <p>19 Exhibit D as being related to that. But your paragraph</p> <p>20 says in the last 15 years.</p> <p>21 A Yes.</p> <p>22 Q To be fair.</p> <p>23 A That's correct.</p> <p>24 Q And so now I would like to ask you the specific</p> <p>25 question of what cases do you recall working on related to</p>

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<p>1 PPLAs?</p> <p>2 A You know, I don't -- a lot of the cases I'm</p> <p>3 thinking of, I can remember being there and I remember</p> <p>4 testifying. But these were at the Corporation Commission.</p> <p>5 They were protested hearings with a threat of litigation, I</p> <p>6 guess. But I was testifying. And it is considered to be a</p> <p>7 court of law, so that's the reason why I listed it down.</p> <p>8 Q Oh, time out. Let me -- if it's okay.</p> <p>9 A Yeah.</p> <p>10 Q Unless you --</p> <p>11 A I'm done.</p> <p>12 Q I realize I did that. Because I'm thinking about</p> <p>13 have you testified at the Oklahoma Corporation Commission</p> <p>14 in the past five years?</p> <p>15 A Yes.</p> <p>16 Q Okay. Did you list those on prior testimony for</p> <p>17 Exhibit D?</p> <p>18 A No, I didn't list those.</p> <p>19 Q Could you provide a list of those subsequent of</p> <p>20 where you have testified at the Oklahoma Corporation</p> <p>21 Commission?</p> <p>22 A I can try. I don't know because --</p> <p>23 Q Do you know what lawyer you worked with?</p> <p>24 A Yes.</p> <p>25 Q Who?</p>	<p>1 worked for Russell Walker?</p> <p>2 A No, I don't. And like I said, I can't remember if</p> <p>3 I was working for Russell Walker or --</p> <p>4 Q Or if he was on the other side?</p> <p>5 A Yeah, I can't recall, but there was another case</p> <p>6 that involved him.</p> <p>7 Q In the last five years have you testified in any</p> <p>8 other states other than Oklahoma in a corporation</p> <p>9 commission type forum?</p> <p>10 A Yes, one.</p> <p>11 Q Where?</p> <p>12 A Arkansas.</p> <p>13 Q I knew it. And what were you doing in Arkansas?</p> <p>14 A Testifying.</p> <p>15 Q On what topic?</p> <p>16 A Gosh, it was -- I think there was several issues,</p> <p>17 but I can't even recall what those issues were now.</p> <p>18 Q I'll switch it. Instead, how about did it have to</p> <p>19 do with a PPLA in Arkansas?</p> <p>20 A I really do not recall.</p> <p>21 Q Okay. Do you think it was in the 2000s or the</p> <p>22 19s?</p> <p>23 A Oh, it was in the 2000s, yeah.</p> <p>24 Q Okay. Who did you work for -- what was the</p> <p>25 lawyer's name when you were in Arkansas?</p>
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<p>1 A Fred Gist.</p> <p>2 Q I worked at Hall-Estill.</p> <p>3 A I know.</p> <p>4 Q Okay. I know Fred. Other than Fred Gist?</p> <p>5 A Don't ask Richard Grimes.</p> <p>6 Q Okay.</p> <p>7 A He was the opposing attorney. I really can't</p> <p>8 recall.</p> <p>9 Q How about companies? Who were you working for</p> <p>10 when you were testifying out there?</p> <p>11 A You know, I don't even remember. I have also had</p> <p>12 a case with -- oh, gosh. I remember, what was his name,</p> <p>13 Russell Walker was involved in another case I was with</p> <p>14 PPLAs. And I don't remember if I was working with Russell</p> <p>15 or against him. I just don't recall.</p> <p>16 Q Okay. And just to make sure I got the timeframe</p> <p>17 right, so in the last five years would be 2019 forward.</p> <p>18 Have you testified in the commission -- I know the ages of</p> <p>19 the people we're talking about, so --</p> <p>20 A Yes. The Fred Gist case, and again, as I recall</p> <p>21 it was within the last five years. Probably about five</p> <p>22 years ago.</p> <p>23 Q 19 -- pre-pandemic? Do you remember?</p> <p>24 A I don't recall.</p> <p>25 Q Do you recall what company you worked for when you</p>	<p>1 A They were out of Fort Smith, and so I drove to</p> <p>2 Fort Smith and we all drove down to where the Arkansas Oil</p> <p>3 and Gas Commission is in southeastern Arkansas. I had</p> <p>4 never been there. But we attended the commission hearings</p> <p>5 for an entire day there.</p> <p>6 MS. RUDNICKI: If you don't mind, I'd like to</p> <p>7 take a quick break.</p> <p>8 MR. HOGAN: Yeah.</p> <p>9 VIDEO OPERATOR: Off the record.</p> <p>10 (A break was had from 9:55 to 10:11 a.m.)</p> <p>11 VIDEO OPERATOR: Back on the record.</p> <p>12 Q (By Ms. Rudnicki) Mr. Roach, we took a quick</p> <p>13 break and we were talking about cases, I think, before we</p> <p>14 went on break. And I just wanted to follow up and see if</p> <p>15 you had thought of any other cases that you might want to</p> <p>16 add.</p> <p>17 A Well, the very last case, number 29, I forgot to</p> <p>18 mention that I did work for Hogan & Thompson on the</p> <p>19 Breedlove, Marathon Breedlove case. I forgot about that.</p> <p>20 Q Okay. All the other ones have the law firm -- oh,</p> <p>21 doesn't have the law firm. BP America Production</p> <p>22 Company versus Southland Royalty Company in Wyoming.</p> <p>23 A Yes.</p> <p>24 Q County of Sweetwater.</p> <p>25 A Yes.</p>

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<p>1 screenshot of the screen did it look like</p> <p>2 Yukon_Abernathy_0007?</p> <p>3 A Yes.</p> <p>4 Q Okay. Did you want to clarify something on that?</p> <p>5 A No.</p> <p>6 Q Okay. So was it also -- you just didn't put the</p> <p>7 file name. So like if it was a PDF, Mewbourne</p> <p>8 Complaint.pdf?</p> <p>9 A No. I have never done that before with anything.</p> <p>10 Q Understood. I'm just getting the how you did it;</p> <p>11 right?</p> <p>12 A Yes.</p> <p>13 Q So if you were taking the exact name there would</p> <p>14 be more to it than this list?</p> <p>15 A Well, if you're saying did I leave out PDF, yes, I</p> <p>16 left out PDF.</p> <p>17 Q And so if -- were any of these .msg, message?</p> <p>18 A Oh, yeah, if there was an MSG there I didn't take</p> <p>19 that. I just -- to me it just wasn't relevant to put that</p> <p>20 in.</p> <p>21 Q Okay. And so these two letters, see how they are</p> <p>22 described without reference to the Bate number?</p> <p>23 A Yes.</p> <p>24 Q Were they like this on your screen?</p> <p>25 A No. I think that these were sent to me, as I</p>	<p>1 A Yes.</p> <p>2 Q Okay. You have been doing this a long time;</p> <p>3 right?</p> <p>4 A Yes, for a while.</p> <p>5 Q So if you look at the 1, 2, 3, 4 down it starts</p> <p>6 with the MOC_Abernathy and there is two like that. And</p> <p>7 then it says Yukon_Abernathy. Do you see that?</p> <p>8 A Yes.</p> <p>9 Q Do you know what those designation differences</p> <p>10 mean?</p> <p>11 A Which -- I didn't follow you there.</p> <p>12 Q Okay. So you agree that all of the -- the</p> <p>13 MOC_Abernathy and the number and the Yukon_Abernathy and a</p> <p>14 number listed, those are all Bates numbers.</p> <p>15 A That's my understanding.</p> <p>16 Q Do you know what it means when it is M-O-C rather</p> <p>17 than Yukon on a document?</p> <p>18 A I would assume that these are the documents that</p> <p>19 were provided by either Mewbourne or documents provided by</p> <p>20 Yukon.</p> <p>21 Q That's my understanding too. So when you looked</p> <p>22 at them did you know these were produced by MOC and these</p> <p>23 were produced by Yukon?</p> <p>24 A That's what I assumed by seeing MOC.</p> <p>25 Q Did you ever ask to make sure that all the</p>
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<p>1 recall, by email. So I think that's how I received these.</p> <p>2 And I added those two items. I have wanted to make sure it</p> <p>3 was complete.</p> <p>4 Q And you added these items here, but you didn't add</p> <p>5 them to the share site?</p> <p>6 A No. I don't think I could do that to the share</p> <p>7 site.</p> <p>8 Q Who decided what you reviewed?</p> <p>9 A Well, the attorneys furnished me this information.</p> <p>10 And so it seems like I may have had a question or two, but</p> <p>11 this is what I was provided by the attorneys.</p> <p>12 Q Do you think you asked a follow-up question that</p> <p>13 resulted in them emailing you these two last bullets on</p> <p>14 Exhibit B?</p> <p>15 A No, I don't think so. That was not initiated by</p> <p>16 me.</p> <p>17 Q They just provided it to you extra?</p> <p>18 A Yes.</p> <p>19 Q And there is not Bates numbers on those documents,</p> <p>20 if you look at Exhibit 3 and 4. Is that accurate?</p> <p>21 A Yes.</p> <p>22 Q And the other documents you looked at did have</p> <p>23 Bates numbers?</p> <p>24 A Yes.</p> <p>25 Q Do you know what Bate numbers are?</p>	<p>1 documents that were provided by Yukon were also provided by</p> <p>2 MOC or vice versa?</p> <p>3 A No. I just assumed that these were all the</p> <p>4 pertinent documents.</p> <p>5 Q And if there are other documents in this case that</p> <p>6 have been produced that are not listed here, that would not</p> <p>7 be part of your opinions in this case as reflected in this</p> <p>8 report?</p> <p>9 A I think that's -- that would be correct.</p> <p>10 Q So if you're provided additional documents it may</p> <p>11 have an effect, one way or another, on your opinions?</p> <p>12 A I mean, it could, an additional document could.</p> <p>13 But I think I had everything I needed right here.</p> <p>14 Q And that was going to be my next question. Is</p> <p>15 there any other documents that you think you need or would</p> <p>16 be helpful to provide the context around what was going on</p> <p>17 at the time that this all occurred?</p> <p>18 A No.</p> <p>19 Q Did you talk with anyone at Mewbourne about the</p> <p>20 situation that occurred and when it occurred?</p> <p>21 A I have talked with one Mewbourne employee, Greg</p> <p>22 Shepherd. And -- but I only had a specific question and he</p> <p>23 answered that question for me.</p> <p>24 Q And what was that question?</p> <p>25 A It was regarding the 2H well bore that was lost,</p>

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<p>1 and then their commencement of the 2HR I think is what it's</p> <p>2 called. And just -- I asked him real quickly what happened</p> <p>3 to -- to -- that resulted in having to abandon the 2H well</p> <p>4 and then commence the 2HR well.</p> <p>5 Q And why did you have that question?</p> <p>6 A I wanted to know if it was -- I thought it was</p> <p>7 very important that -- to know if the rig was released, if</p> <p>8 the 2HR well was in close proximity to the rig, was it</p> <p>9 skidded over to that 2HR location, and what happened to the</p> <p>10 2H well that resulted in their abandoning the well and</p> <p>11 skidding the rig.</p> <p>12 Q And did they -- they eventually plugged that first</p> <p>13 2H well; right?</p> <p>14 A That's my understanding. I haven't seen anything</p> <p>15 to say they plugged it, but I assume they probably did.</p> <p>16 Q Did he say whether or not it had been plugged when</p> <p>17 you talked to him?</p> <p>18 A I didn't even ask him that and he didn't mention</p> <p>19 it.</p> <p>20 Q Is that because it doesn't matter for what you</p> <p>21 were doing?</p> <p>22 A Right. He answered the questions that I had.</p> <p>23 Q Okay. What were the answers to the questions?</p> <p>24 A That the 2H well lost circulation at about three</p> <p>25 or 400 feet I believe, and that they couldn't get around</p>	<p>1 Q (By Ms. Rudnicki) Are you relying on your</p> <p>2 understanding of the case law that you just described to me</p> <p>3 in order to render the opinion that it was a continuous</p> <p>4 operation?</p> <p>5 MR. HOGAN: Same objection.</p> <p>6 A I think that, yes, I think just the facts involved</p> <p>7 in this case that the initial well only went down to three</p> <p>8 or 400 feet and they lost the well at that depth and then</p> <p>9 they just skidded the rig and continued drilling. So, yes,</p> <p>10 that's -- my understanding is that is a single, continuous</p> <p>11 operation.</p> <p>12 Q (By Ms. Rudnicki) Right. And you referred to case</p> <p>13 law that supports your opinion. Do you recall that</p> <p>14 testimony?</p> <p>15 A Yes. I've --</p> <p>16 Q So --</p> <p>17 A Go ahead.</p> <p>18 Q So in my understanding, you are relying on those</p> <p>19 opinions to support your own opinion and so I'm asking you</p> <p>20 what are those cases and what states are they in?</p> <p>21 A I couldn't answer that question. I mean, this is</p> <p>22 a knowledge that I've developed over 45 years.</p> <p>23 Q So this case could have been in 1979?</p> <p>24 A It may have been. I don't know.</p> <p>25 Q Is there a specific case that you are thinking of</p>
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<p>1 the junk in the hole because of the shallow depth of the</p> <p>2 well, and so they just skidded the rig a very, very, very</p> <p>3 short distance and just continued drilling as a single</p> <p>4 continuous operation.</p> <p>5 Q And is there a significance to a single continuous</p> <p>6 operation in your mind for this case in these two wells?</p> <p>7 A Yes.</p> <p>8 Q What is it?</p> <p>9 A It's my understanding now and it always has been</p> <p>10 that when a wellbore is lost -- and there is so many</p> <p>11 different reasons why wells -- wellbores are lost while</p> <p>12 drilling that it makes a difference if the rig was released</p> <p>13 and moved off the location versus skidding the rig and</p> <p>14 continue drilling. And I think there is case law that</p> <p>15 supports my opinion in this matter.</p> <p>16 Q And do you know what case law that is?</p> <p>17 A The case law is just when you skid a rig it's just</p> <p>18 a continuous operation, a single continuous operation.</p> <p>19 Without going into any other detail that's what I am -- how</p> <p>20 I've been trained is to understand that difference between</p> <p>21 releasing the rig versus skidding it.</p> <p>22 Q Are you relying on your understanding of the case</p> <p>23 law in order to render that opinion?</p> <p>24 MR. HOGAN: Objection to form.</p> <p>25 A I'm not sure I understand your question.</p>	<p>1 when you refer to case law in order to support your</p> <p>2 opinions?</p> <p>3 A Is there --</p> <p>4 Q A specific case that you are thinking of when you</p> <p>5 refer generally to case law to support your opinions?</p> <p>6 A No, there is not a specific case that I recall.</p> <p>7 Q And if there was a specific case that you were</p> <p>8 relying upon would that be something that you would</p> <p>9 typically list in your reports?</p> <p>10 A Yes.</p> <p>11 Q Do you list case law in your reports regularly?</p> <p>12 A Sometimes I do.</p> <p>13 Q When was the last time?</p> <p>14 A Probably here in the last six months or so.</p> <p>15 Q When was the last report you did other than this</p> <p>16 one?</p> <p>17 A Gosh, I've done probably three or four this year.</p> <p>18 I can't remember when the last one was, though, just off</p> <p>19 the top of my head.</p> <p>20 Q And the three or four you have done in the year</p> <p>21 2024, have any of them dealt with PPLAs?</p> <p>22 A No.</p> <p>23 Q Can you think of any reports that you have done</p> <p>24 related to PPLAs?</p> <p>25 A No.</p>

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Q To your knowledge are there any other participants that would be in the same category as SPIR and JSR, other than the ones that are listed here?

MR. HOGAN: Objection. Form.

A I don't know what you mean by in the same situation. I don't understand what you mean there.

Q (By Ms. Rudnicki) Well, you told me that it's your understanding that these two are somehow affiliated or related to Yukon; right?

A Yes.

Q Are you aware of any other entities that are like these are in relation to Yukon?

A I don't know. I really don't know.

Q Did you ask?

A I didn't ask, no.

Q Do you know whether or not there are other entities that were treated differently than this that did not send letters?

A No.

Q Did you ask?

A No.

Q At your time in UnitPro Land Consultants do you have mail handling procedures?

A Well, I've -- up until recently I had a P.O. Box at a, what's it -- a USP (sic.) store, and so I would have

A I know I have, but I just can't recall.

Q From a professional standpoint or from a personal standpoint?

A Professional.

Q And in what context would that have been?

A I really don't recall. I just know I've done a lot of green cards over the years. And I know that I've done several here in the last 10 years.

Q What's a green card?

A That certified mail, when you send certified mail, you do it through what's often -- at least in companies we refer to it as green cards. It's what the recipient signs and is returned back to the sender, evidence that the -- whatever was being sent was delivered.

Q And how are those green cards -- what do they look like?

A They are about the size of a post card and they are usually taped onto an envelope that's being mailed. And the recipient will sign it and then gets to the mail, and the green card shows that it was received by the evidence of someone signing the green card, and the green card is then sent back to the sender.

Q Is there, in your experience, does the green card associate with more than one envelope?

MR. HOGAN: Objection. Form.

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all my business mail sent there and kept it separate from my residential mail. But that's the only mail handling that I can think of that's associated with my company.

Q Have you done any, with your company, mailouts for elections under PPLAs?

A Not with my company, no.

Q Have you been on the receiving end at your company for elections?

A No.

Q Have -- do you have other companies that you currently are affiliated with other than UnitPro Land Consultants where you would be doing those types of mailouts or receiving those types of mailouts for the last three years?

A No.

Q When was the last time you were required to send a certified mail while working at UnitPro Land Consultants?

A I haven't done any certified mail for a while, but I have done certified mail many times over the years.

Q Before or after the pandemic?

A Probably before the pandemic.

Q Before or after 2015?

A I don't recall.

Q Can you recall a certain instance where you mailed something via certified mail in the last 10 years?

A I have never seen it associated with more than one envelope.

Q (By Ms. Rudnicki) Have you ever prepared a certified mailing that had a certified mail green card associated with more than one envelope?

A I never have, no.

Q In your practice of sending out certified mail, do you put the certified mail number on the letter that is associated with it that you put in the envelope?

A Could you repeat that again?

Q Um-hum. Okay. So we're going to do a certified mail. We're going to use a green card. One of the reasons you use a green card or certified mail is because you get a certified number. Agreed?

A Yes.

Q Do you put that certified number on the letter that goes in the envelope to which the certified is associated?

A The companies I've worked for and where I've worked, and even now I do, but not all parties do that, but I always have. It's always been the way I was trained was to put that number on. But I don't know that it's mandatory or required or anything like that. It's just probably a good practice to do that.

Q And why is that a good practice?

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<p>1 A Well, it says the -- what's being mailed to the 2 green card. 3 Q To that number? 4 A To that number on the green card, yes. 5 Q And so the green card that we're talking about 6 that looks like a post card, it has a number on it, and 7 then that number is also on the letter and it's on the 8 envelope? 9 MR. HOGAN: Objection. Form. 10 A Typically it's not going to be on the envelope 11 because the green card is attached to the envelope and it's 12 on the green card. 13 Q (By Ms. Rudnicki) There's not two pieces in your 14 recollection? 15 A Not in my recollection. When you take the green 16 card off at leaves two strips on the side where the card 17 was attached, but there is nothing on those two little 18 strips. It's sticky and attaches to the envelope. 19 Q Is there a barcode that you're aware of? 20 A I don't recall a barcode, but I'm not saying there 21 aren't barcodes. I just don't recall ever seeing them. 22 Q Did you -- have you seen the actual green cards in 23 this case? 24 A I haven't seen the actual green cards, the real 25 deal. I've seen copies of the green cards.</p>	<p>1 materials in your office to use or did you go to the post 2 office to get the materials to mail it? 3 A We would -- I mean, everywhere I've been we have 4 always kept a supply of green cards. And so we wouldn't 5 have to, every time we wanted to send something, we didn't 6 have to go to the post office to get what we needed. And 7 so we've always just had them there in the office. And 8 then, you know, the companies I've worked for, the Postal 9 Service will just come pick up the mail every day and they 10 pick up the stuff that was going to go out by certified 11 mail. 12 Q And then it would get processed accordingly by the 13 USPS the way you described? 14 A Presumably. 15 Q Yes, presumably. And you understand there is a 16 dispute as to whether or not my client actually received 17 this document. You know there is a dispute about that; 18 right? 19 A Yes. 20 Q Okay. We're going to go back to Exhibit 3 and 4, 21 which is the JSR letter. And I'm just going to go with 22 SPIR. I don't know what it's supposed to be. S-P-I-R. 23 And I keep spelling it every time. It's capital letters 24 and I'm going to go by SPIR. Why were these important to 25 you?</p>
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<p>1 Q And when you say the copies of the green cards, 2 you think you've seen the actual post card type post card? 3 A Yes. 4 Q So in the circumstance that you described and 5 recall using the green cards, at the end of the day would I 6 have a green card -- if I pulled it all together I would 7 have a green card, an envelope, and a letter, and maybe 8 something else in there? 9 A Yes, there is something else. There's a little 10 white piece of paper that has the same number on it as the 11 green card. And so that way you -- you retain a -- it's 12 not a green card, but it's associated with the green card. 13 And you retain that for your files so if you ever have to 14 go back and make reference to something that was sent by 15 certified mail, you can reference the number on the -- 16 anyway, it's just a little thing you can put in your file. 17 Q Have you ever heard of a company called Simple 18 Certified? 19 A No, I have not. 20 Q Are you aware -- have you ever used a service 21 other than USPS in order to complete your certified mail? 22 A I don't recall ever receiving any -- using any 23 other company, just USPS. 24 Q And in the times that you recall using the green 25 cards and sending the green cards, did you have those</p>	<p>1 A Well, these are parties that acquired their 2 interest through Yukon Trading as the exhibits reflect. So 3 these were parties that would have been either named in the 4 pooling or they would have been subject to the pooling, 5 because Yukon Trading was named in the pooling. And so 6 they would be in the same boat as Yukon Trading as far as 7 any notices and payments due for well costs. 8 So it's to show that there were other 9 participants, or I should say there were other respondents 10 under the pooling who were subject to the same letter 11 agreements that Yukon had entered into. They were subject 12 to those. They acquired their interest from Yukon. And 13 they didn't seem to have any trouble sending an election 14 letter and mailing in their checks for their share of dry 15 hole costs. 16 Q Okay. So I'm going to break that down a little 17 bit. Because at one point you said these particular 18 entities are subject to the pooling order, and then you 19 corrected and said, no, they would be respondents under the 20 pooling. What's the difference? 21 A Oh, if you are a respondent and you are not 22 dismissed, then you are subject to the pooling order. So 23 if you start out as a respondent and then eventually, once 24 the order issues, you are subject to the order. I just 25 kind of -- when you mention names, usually most people will</p>

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1 industry doesn't really look at midwestern, even though
2 Ohio and a few states like that have oil and gas activity.
3 So I think they are usually considered to be part of the
4 Appalachian.

5 Q Okay. So in looking at the list of -- okay. So
6 in response to the request that we made for No. 5, you
7 wouldn't have anything that's responsive to this because
8 you didn't -- that is where you're a party.

9 A That's correct, I'm not a party to any of this so
10 I wouldn't have anything to provide.

11 Q Is there anything other than the documents that
12 you've listed in your reports being reviewed upon that you
13 can specifically think of that's like a letter agreement, a
14 PPLA, that you are specifically relying upon in rendering
15 your opinions in this case?

16 A You're asking if prior cases I've been involved
17 with have influenced my decision in this case? Is that --

18 Q Um, no. I'm asking whether or not you're
19 considering, in rendering the opinions in this case, did
20 you look at, pull up in your mind a specific agreement or
21 document?

22 A No.

23 Q Okay. Let's skip down to No. 7 in the subpoena
24 duces tecum. And this one is about training material or
25 presentation materials or any documents used by or shared

1 clocks and when your election is due, and it's different.

2 Q So you do have presentations like that?

3 A Yes. And I believe some of this is in the AAPL
4 materials that I present.

5 Q Okay. When you present for AAPL, do you present
6 on behalf of UnitPro, like is it branded UnitPro or is it
7 like an AAPL brand?

8 A It depends. I teach -- I used to teach. I'm
9 retired now from speaking, actually, this year. I would
10 teach CPL reviews where I was presenting AAPL's materials.
11 And for operating agreement seminars or of anything else, I
12 was presenting my materials.

13 Q Are there any seminars that you do that are
14 specific to PPLAs?

15 A No.

16 Q In thinking through the training and the
17 presentations you have given, do you recall doing a slide
18 on PPLs?

19 A No, I do not.

20 Q Is there any -- do you recall doing any articles
21 or -- let me start with articles -- articles where the
22 primary subject was PPLAs?

23 A No, I have not.

24 Q Okay. During one of the breaks we talked about
25 you being an adjunct professor at OU and other places.

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1 by UnitPro Land Consultants in which the topic is proper
2 handling of mailouts for elections to participate in wells.
3 Do you have anything like that? I can be more specific if
4 you would like me to break it down.

5 A That would be helpful.

6 Q Okay. So, for example, in the presentations that
7 are listed on your attachment, none of those deal with how
8 to do a proper election mailout; right?

9 A Well, actually, the -- when you say "proper,"
10 there's nothing that specifies proper. It says what the
11 agreements provide is the different ways you can send out a
12 notice. It can be by U.S. mail, it can be by courier. So
13 there is several different ways to send notices.

14 Q Okay. That's fair. Do you have a specific
15 presentation that is dedicated to operations, procedures of
16 doing mailouts for an oil and gas company?

17 A Well, I'm going to say that my presentations, I
18 definitely address -- like in operating agreements it
19 specifies what information has to be included in a proposal
20 that's mailed out to the other parties. The agreements
21 also provide the election periods, how long those election
22 periods are and depending upon the -- what it's for.

23 And in the materials I have there is also -- or
24 there's a distinction made between 30-day election clocks
25 and when your election is due versus 48-hour election

1 A Yes.

2 Q Yes?

3 A Yes.

4 Q In any of those courses do you recall doing a
5 section or providing materials specific to a PPLA?

6 A No, I did not.

7 MS. RUDNICKI: Okay. I'm going to take a quick
8 break. It's been almost a full hour.

9 VIDEO OPERATOR: Off the record.

10 (A break was had from 11:03 to 11:20
11 a.m.)

12 VIDEO OPERATOR: Back on the record.

13 Q (By Ms. Rudnicki) Mr. Roach, we took a quick
14 break. Is there anything from the second session that you
15 would like to change or alter?

16 A No.

17 Q Or complete?

18 A No.

19 Q Okay. We've been talking about your report, which
20 is Exhibit 2. And I wanted to ask you kind of a broad
21 question, which is what were you asked to do in this case
22 by the lawyers that hired you?

23 A They wanted me -- well, they asked me to review
24 the facts and provide my opinion as to whether or not I
25 felt that Yukon had or had not made a proper election under

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1 the pooling for the drilling of the 2H well. And so I was
2 provided with what they felt were all the pertinent
3 documents that related to that, so I reviewed those and
4 offered my opinion.

5 Q Did you provide them a verbal opinion as well as a
6 written opinion?

7 A I probably did. I probably discussed it with them
8 before I started writing the opinion to know whether or not
9 I should start writing the opinion. So if they wanted me
10 to go ahead and commence with that. So I'm sure I
11 discussed it with them briefly and then drafted my opinion.

12 Q Are there any other previous drafts of this
13 report?

14 A No, no.

15 Q Do you use a word processor to prepare your
16 reports?

17 A Yes.

18 Q What kind?

19 A Oh, word processor? No. I use my computer. Is
20 that what you --

21 Q Do you use Word, Microsoft Word?

22 A Yeah.

23 Q Microsoft 365 or is it a desktop edition?

24 A Well, that's a good question. I think that's 365
25 now. Microsoft kindly downloaded that into my computer

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1 without my knowledge or consent and it's been screwed up
2 ever since.

3 Q I think that has been everyone's experience with
4 Microsoft currently.

5 MR. HOGAN: Yep.

6 Q (By Ms. Rudnicki) Did you begin preparing -- you
7 prepare all your own reports?

8 A I do.

9 Q Is there a master that you copy and paste your
10 professional background from?

11 A I do, but I always go through it before I just
12 copy and paste. I go through it, or after I've copied and
13 pasted it I go through it just for any updates or anything
14 else I need to add to it or if I think anything needs to be
15 changed. But it doesn't change that much, maybe just when
16 I have a new -- well, when I was on the participation
17 agreement committee, you know, that was something new I
18 added. So that's about all my background -- I mean,
19 everything else it's a constant, it doesn't really change.

20 Q If the -- do you sometimes include experience that
21 you think is pertinent versus other experience that's not
22 pertinent for a particular report? And if you don't
23 understand what I'm saying, I can break it down. I can
24 tell by your face you're kind of like, Huh?

25 A Yeah, if you could, please.

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1 Q Okay. So if I look at this expert report it
2 starts with, "I am competent to provide factual statements
3 and opinions in this case." But it doesn't say which case
4 this is, it doesn't say what the facts are, not yet, right,
5 in the beginning. Is this going to be the same in most of
6 the reports you do, or do you rewrite this paragraph every
7 time?

8 A It sometimes changes. And sometimes attorneys
9 might ask me if -- you know, I might read them, you know,
10 kind of my -- or run by them my -- you know, what I'm
11 putting together. And sometimes they have special
12 requests, could you put that into your introduction or into
13 this or that; and so I do, I just type it up and put it in.

14 Q Do you recall whether or not the lawyers in this
15 case asked you to supplement anything or add anything
16 that's in your expert background and qualifications?

17 MR. HOGAN: I'm going to instruct the
18 witness -- we're in federal court. Right? Yeah. I'm
19 going to instruct him not to answer under federal rules for
20 expert disclosure.

21 Q (By Ms. Rudnicki) Okay. So did you copy and paste
22 from your own version paragraphs one, two, three, four, and
23 five of your expert report?

24 MR. HOGAN: You can answer that.

25 A Yes, this is what I prepared. This is pretty much

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1 found in most of my expert reports the identical same
2 thing, so there is a lot of cutting and pasting. Sometimes
3 I may leave something out that I don't think is pertinent
4 anymore, and I usually delete it altogether in the future
5 too. And sometimes I add stuff and keep it in there.

6 So, you know, this is just my -- it is kind of a
7 standard cut and paste, but then slightly modified and
8 individualized for each case.

9 Q (By Ms. Rudnicki) So if you look at the last two
10 paragraphs on page 3 -- I mean the top two paragraphs on
11 page 3 where it says, "During my 47 years as a landman,"
12 and then "over the past 15 years," are those two unique?
13 You can go ahead and read them.

14 A No. Those -- I may have -- I mean, that's -- this
15 is what I wrote. I can't remember if it was in earlier
16 opinions or not, if it was written just like this. But
17 this is -- this is all what I wrote.

18 Q Right. But is it -- what I'm asking is the copy
19 and paste. Is it a copy and paste or do you think you
20 tailored these two paragraphs for this report?

21 A I really don't recall.

22 Q Okay. And one of the reasons I'm asking is it
23 specifically says in that second paragraph, like we talked
24 about earlier, pre-pooling letter agreements, and that you
25 have previously been accepted by Oklahoma courts as an

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<p>1 expert witness.</p> <p>2 But I don't know that we have identified any</p> <p>3 pre-pooling letter agreement cases where you have been</p> <p>4 accepted as an expert witness in an Oklahoma court, have</p> <p>5 we?</p> <p>6 A Well, I mentioned the corporation commission</p> <p>7 hearings, which is deemed a court of law, and so I guess I</p> <p>8 was including that. I can't recall under the cases I've</p> <p>9 been involved with -- there's many cases I've been involved</p> <p>10 with that are not listed because I never testified. And so</p> <p>11 I think that --</p> <p>12 Q And we went through those --</p> <p>13 MR. HOGAN: Sorry. I think he was in the</p> <p>14 middle of his answer.</p> <p>15 THE WITNESS: Yeah, I haven't finished.</p> <p>16 MS. RUDNICKI: Go ahead.</p> <p>17 THE WITNESS: But there is many times that I</p> <p>18 have written reports or the case is settled or a motion for</p> <p>19 summary judgment is granted and I don't get to testify, but</p> <p>20 I have addressed a number of issues. And I probably have</p> <p>21 just as many, if not more, those kinds of cases versus the</p> <p>22 ones I have actually testified in.</p> <p>23 So it is litigation in these instances, but I</p> <p>24 just don't get far enough where I get to testify.</p> <p>25 Q (By Ms. Rudnicki) What cases or clients do you</p>	<p>1 the heading. And then if you go to the end, it ends. So</p> <p>2 that's the only section is the summary of opinions.</p> <p>3 Is there a different document that spells out all</p> <p>4 the opinions or is this your opinions, other than what I</p> <p>5 asked you about or expand upon? Is this a summary or is</p> <p>6 this the opinions?</p> <p>7 A This is -- well, I look at it as being the same</p> <p>8 thing. This is a summary of the opinions on the various</p> <p>9 matters that I see in this case.</p> <p>10 Q Oh, did you identify what opinions you were going</p> <p>11 to render in this case?</p> <p>12 A I decided what opinions I was going to render.</p> <p>13 Q And did you decide which issues you were going to</p> <p>14 look at?</p> <p>15 A As I read through the petition and the response in</p> <p>16 this case, that helps identify the areas I'm going to focus</p> <p>17 on.</p> <p>18 Q And so you did make those decisions?</p> <p>19 A Yes.</p> <p>20 Q And so if you go to the page 1 of your report it</p> <p>21 says "Summary of Opinions of Dorsey T. Roach, CPL." Do you</p> <p>22 see that?</p> <p>23 A Yes.</p> <p>24 Q And so is the summary of opinions this whole</p> <p>25 report?</p>
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<p>1 remember working with where your qualifications were</p> <p>2 accepted by an Oklahoma court involving a pre-pooling</p> <p>3 letter agreement?</p> <p>4 A Well, again, I've referenced the Oklahoma</p> <p>5 Corporation Commission.</p> <p>6 Q And those dealt with pre-pooling letter</p> <p>7 agreements?</p> <p>8 A Well, there was, you know, protested hearings,</p> <p>9 which is the equivalent of litigation. And there were</p> <p>10 PPLAs involved in that. And so I was involved -- I wasn't</p> <p>11 necessarily -- well, I know that at some of these pooling</p> <p>12 hearings, though protested hearings, and I have testified</p> <p>13 at a number of these, that under my testimony I've</p> <p>14 addressed the PPLAs and what's the issue, why aren't the</p> <p>15 parties able to settle or what's the -- what's blocking</p> <p>16 this. And so, yes, I have testified in those cases.</p> <p>17 Q What client and/or case or well or area, if you</p> <p>18 can tell me, were those in?</p> <p>19 A I can't recall. I really don't recall.</p> <p>20 Q Can you name any client that you recall doing what</p> <p>21 you just described in testifying in front of the</p> <p>22 Corporation Commission about a PPLA?</p> <p>23 A I can't recall. I really can't.</p> <p>24 Q Okay. And if we go to page -- oh, same page. So</p> <p>25 page 3 it says a summary of your opinions. At the top is</p>	<p>1 A It's a -- yes, the summary of opinions is my</p> <p>2 entire report.</p> <p>3 Q And then the very first sentence here says you've</p> <p>4 been retained by attorneys representing Mewbourne Oil</p> <p>5 Company, shortened to Mewbourne, to provide my opinions in</p> <p>6 this case about the following. And there is one, two,</p> <p>7 three, four, five bullets.</p> <p>8 A Yes.</p> <p>9 Q The five bullets that are listed here, you say you</p> <p>10 are to provide your opinions about the provisions. What</p> <p>11 other facts are you looking at when you're deciding the</p> <p>12 opinions other than these documents?</p> <p>13 MR. HOGAN: Objection. Form.</p> <p>14 A Well, I just think my experience of working</p> <p>15 Oklahoma (sic.) is -- is behind formulating my opinions.</p> <p>16 Q (By Ms. Rudnicki) And I apologize. I knew my</p> <p>17 question wasn't worded correctly. What I'm looking for,</p> <p>18 facts in this case. What are the basic facts in this case</p> <p>19 that gives rise to this dispute?</p> <p>20 MR. HOGAN: Objection. Form.</p> <p>21 A The issues appear to be did Yukon receive notice,</p> <p>22 advance notice of spud, the spudding of the well. Other</p> <p>23 issues, did Yukon make a timely election to participate in</p> <p>24 the proposed well, was -- was Mewbourne required to submit</p> <p>25 an invoice with the notice at the same time with the</p>

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<p>1 identification.)</p> <p>2 Q Here is Exhibit No. 14, and if you'll look at the</p> <p>3 dates and the times. And it's a continuation of one of the</p> <p>4 other emails we saw, but this is the completion showing</p> <p>5 that the PPLA for Section 12 and that 35 that is attached</p> <p>6 as Exhibit 9 to your deposition was eventually entered</p> <p>7 into, and it was sent back at 8:23 a.m. on November 1st.</p> <p>8 I'm just confirming the dates because you said you</p> <p>9 were concerned about the dates on whether or not it was</p> <p>10 done before the hearing.</p> <p>11 And you haven't seen that document before?</p> <p>12 A I think I've seen one of the -- no, I have not</p> <p>13 seen this.</p> <p>14 (Exhibit 15 was marked for</p> <p>15 identification.)</p> <p>16 Q Okay. This one is just a continuation of that</p> <p>17 one. And you'll see that it's 9:40 a.m. Thanks for the</p> <p>18 information. And in the email right below, do you see</p> <p>19 where it says from Greg Shepherd, Wednesday, November 1st,</p> <p>20 2023, 9:29. Chad and David.</p> <p>21 And Greg says, "It should spud in January." And</p> <p>22 he's responding to the question posed by Chad at November</p> <p>23 1st, 2023, at 9:27. Do you see that?</p> <p>24 A Yes.</p> <p>25 Q I know we just got it resolved, but do you have an</p>	<p>1 And this is just a private agreement between Yukon and</p> <p>2 Mewbourne whereby Yukon does not have to make its election</p> <p>3 within 20 days. It's going to be given an extension of</p> <p>4 time to make its election.</p> <p>5 Q And so it's just exercising its right to use that</p> <p>6 deferred election in this letter?</p> <p>7 A Yes. That was something that was negotiated by</p> <p>8 the parties in the PPLA.</p> <p>9 (Exhibit 17 was marked for</p> <p>10 identification.)</p> <p>11 Q Okay. I'm going to hand you what is marked as 17.</p> <p>12 And this is MOC_Abernathy 205. And I will tell you that it</p> <p>13 is not listed on your Exhibit B. Okay?</p> <p>14 A Yes.</p> <p>15 Q And just confirm that you have not seen this</p> <p>16 before.</p> <p>17 A No, I have not.</p> <p>18 Q Have you spoke to Cole Chapman?</p> <p>19 A I don't know Cole Chapman, so, no, I have not.</p> <p>20 Q Okay. If you look at the back on page 208, what</p> <p>21 is that?</p> <p>22 A This is, I guess, the U.S. Postal Service is now</p> <p>23 doing electronic, but it's a -- it's the equivalent on what</p> <p>24 we used to call the green card. And it just -- this is</p> <p>25 what the U.S. Post Office would send back to the sender to</p>
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<p>1 idea of the spud date for the Abernathy 2H well? Did it</p> <p>2 spud in January?</p> <p>3 A I think it was spud on, as I recall -- and I may</p> <p>4 be wrong on this, but it seems like it was February 2nd of</p> <p>5 2024.</p> <p>6 Q Maybe February 6?</p> <p>7 A I -- I don't know. I can't recall.</p> <p>8 Q Okay. February 2nd is the date in the letter by</p> <p>9 which it was to be spud.</p> <p>10 Exhibit No. 16?</p> <p>11 MR. HOGAN: Yep.</p> <p>12 THE WITNESS: Yes.</p> <p>13 (Exhibit 16 was marked for</p> <p>14 identification.)</p> <p>15 Q (By Ms. Rudnicki) Sixteen. This is listed on your</p> <p>16 report as one of the number ones with Bate Numbers 00017.</p> <p>17 So you have seen this document; right?</p> <p>18 A Yes.</p> <p>19 Q And what is this document?</p> <p>20 A It is Yukon exercising its option for deferred</p> <p>21 election in the drilling of the Abernathy 1/12 CN 2H.</p> <p>22 Q And explain what a deferred election is?</p> <p>23 A It means that -- I think the better way to do it</p> <p>24 is to provide an example. The pooling order states that</p> <p>25 all elections have to be submitted on or -- within 20 days.</p>	<p>1 state that the -- whatever was sent, the envelope or what</p> <p>2 have you, was delivered and what time and what day.</p> <p>3 Well, this one is for when it was given by</p> <p>4 Mewbourne. I'm looking at the date up here 8/22/24. But,</p> <p>5 yet, it's referring to a -- when the U.S. post office</p> <p>6 received from Mewbourne a certified letter to be delivered</p> <p>7 to Yukon.</p> <p>8 Q Is this the way you remember green cards looking?</p> <p>9 A Not in the old days, it's not.</p> <p>10 Q Have you done one where you generated one of</p> <p>11 these?</p> <p>12 A I haven't, no.</p> <p>13 Q Do you see down at the bottom where it says, "The</p> <p>14 above information is for the sole use of</p> <p>15 simplecertifiedmail.com clients and represents information</p> <p>16 provided by the United States Postal Service."</p> <p>17 A Yes.</p> <p>18 Q And are you familiar with simplecertifiedmail.com?</p> <p>19 A I guess I am now. I've never heard of them</p> <p>20 before.</p> <p>21 Q Was that on your green cards?</p> <p>22 A On my green cards?</p> <p>23 Q On the green cards you were talking about.</p> <p>24 A The ones that I used to send, no, that was not</p> <p>25 available, that service was not available.</p>

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<p style="text-align: right;">Page 141</p> <p>1 Q Go to the very last page of this particular 2 stapled. And it says it's 210 at the bottom. What is 3 that? 4 A This is the post office -- this is a proof of 5 delivery of a certified letter to Yukon as the recipient of 6 the letter. And it shows the Yukon Trading's signature of 7 having received the letter. And it shows what date and 8 what time the certified letter was delivered to Yukon. 9 Q What's the difference between 209 and 210? I mean 10 sorry. 210 and 208? 11 MR. HOGAN: Objection. Form. 12 Q (By Ms. Rudnicki) Which one of those is the 13 supposed green card? 14 MR. HOGAN: Same objection. 15 Q (By Mr. Hogan) If you know. 16 A Well, I think one of them is just showing -- 208 17 is just showing that the post office received an item to 18 deliver as certified mail, and it shows when it was 19 delivered to the post office. And the second one, 210, was 20 showing it was delivered and here is the date and time it 21 was delivered. 22 Q If you look at the very bottom of 210, underneath 23 where it say Yukon Trading Company it says Item ID. 24 A Yes. 25 Q And it says 14 15 20 Consent.</p>	<p style="text-align: right;">Page 143</p> <p>1 A I don't know anything about it. 2 MS. RUDNICKI: Eighteen? 3 MR. HOGAN: Yep. 4 THE WITNESS: Yes. 5 (Exhibit 18 was marked for 6 identification.) 7 Q (By Ms. Rudnicki) I hand you what I have marked 8 as 139. 9 MR. HOGAN: Marked as 18; right? 10 Q (By Ms. Rudnicki) I'm sorry. Marked as 18, but 11 has Bate number 139 on the bottom right-hand corner. And I 12 will tell you that on your Exhibit B you have 138, which I 13 actually believe might be an email. Have you seen this 14 before, 139? Oh, wait. You have. 139. 15 A Yes. 16 Q Sorry. It was right there. 17 A Yeah. 18 Q Sorry. I was looking in the wrong spot. So you 19 have seen this. What is this? 20 A This is a well proposal letter from Mewbourne to 21 Yukon dated December 22nd, 2023. And in accordance with 22 the PPLA Yukon is entitled to a deferred election, it's 23 exercised that deferred election, and is deferred until 24 Mewbourne notifies them of its intention to move forward. 25 And I think this is what that letter is saying, is that the</p>
<p style="text-align: right;">Page 142</p> <p>1 A Yes. 2 Q And if you look at 208, it says the same thing; 3 right? 4 A Yes. 5 Q Do you know who put that information in, whether 6 it's done at simplecertified.com or by the Yukon person or 7 by the USPS? 8 A Well, being that I am not a client of Simple 9 Certified Mail, I'm not sure -- you know, I haven't used 10 this service. But it would appear that whoever entered 11 that, it was probably the sender. And this is a reference 12 to what the purpose of the envelope or the certified mail 13 is. 14 Q But since you're not a certified mail -- Simple 15 Certified Mail and you haven't done it this way, you don't 16 really know how all this works? You can just tell me what 17 it says on a piece of paper. 18 A Well, again, I'm not a client of 19 SimpleCertifiedMail.com. 20 Q Are you an expert at certified mail? 21 A I have sent many, many, many, letters by certified 22 mail. 23 Q But none like this. 24 A Right. This is probably a fairly new service. 25 Q Do you know whether it's reliable?</p>	<p style="text-align: right;">Page 144</p> <p>1 well is being proposed pursuant to the pooling order, which 2 would also include, as between Yukon and Mewbourne, the 3 PPLA. 4 Q Is the PPLA referenced in this letter? 5 A No, I do not believe it is. 6 Q Is this the spud notice? 7 MR. HOGAN: Objection. Form. 8 A I don't think this is the spud notice. I think 9 that what this is doing is referencing the well, making 10 sure that everyone knows which well it is, what the 11 location is going to be for the well exactly. 12 But most importantly, this is an allocation well, 13 and what Mewbourne is telling Yukon is that we're going to 14 initially start out by allocating 50 percent of the costs 15 of drilling this well to -- to Section 1 and 50 percent of 16 the cost of drilling this well to Section 12. 17 And I think it says, Please note, in the same 18 paragraph, "the allocation factor is subject to change 19 based upon the final surveys," once they know how much of 20 the lateral is underlying Section 1 versus Section 12. And 21 it might turn out to be 55/45 or 60/40 or 49/51. It could 22 be something different. 23 Q (By Ms. Rudnicki) Do you know what it ended up 24 being in the Abernathy 1/12 CN 2R? 25 A No, I don't. I haven't seen any information that</p>

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1 A They need to -- one -- there is several reasons.
2 But one is that they need to make sure that if someone is
3 not participating, if they own 45 percent and it's the
4 drilling of a well, \$10 million dollar well that means that
5 the operator is going to have to cough up an extra \$4 1/2
6 million.

7 And so that's one reason why an operator needs to
8 know, you know, who is participating, what the elections
9 are so it can make sure it has 100 percent subscription to
10 the drilling of a well and can spread out. If someone is
11 not going to participate, they offer the interest under the
12 JOA, they offer it under the JOA. It's a requirement that
13 they must do that to the other parties, the non-consent
14 interest to the other parties.

15 Q And in the rest of that paragraph you talk about
16 the \$10 million for services and materials to vendors and
17 contractors out of its own pocket.

18 That \$10 million, is that an estimate in a random
19 well or is this in this well specific?

20 A No. This is just a random well. I'm just pulling
21 numbers out of the air on that.

22 Q Okay. And when you say that they would have to
23 pay it out of its own pocket, meaning the operator would
24 pay it out of its own pocket, wouldn't they also receive
25 the revenues associated with that same interest?

1 on with its plans.

2 Q But they did not make that decision as of January
3 18th; right?

4 A No, not by January 18th they hadn't. The 10-day
5 election period was still running.

6 Q Um-hum.

7 A But they were waiting for Yukon -- Mewbourne was
8 waiting for Yukon to make an election to either participate
9 or relinquish its interests.

10 Q And Yukon was waiting on Mewbourne to send the
11 notice; right? That's the position of the parties.

12 A Yeah. The notice was sent and delivered and
13 received and green card returned, so I think there's a full
14 circle.

15 Q Okay. You know there is no green cards in this
16 case; right? Has someone finally told you that?

17 A Well, I know that it appears that nowadays things
18 are done probably in a little bit different style, a
19 different manner than they have in the past, but it still
20 serves of the same purpose and does the same thing.

21 Q That's not my question. Have you seen a green
22 card, as you described at the beginning of this deposition,
23 in this case that shows there is a piece of paper that's
24 green with the white part that matches the envelope and the
25 letter?

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1 A Yes.

2 Q Right?

3 A Yes.

4 Q So, although they would be out the upfront costs,
5 if the well paid out in a year or two years and they got
6 all their money back, they will still get their money in
7 interest thereafter after they got all their money back;
8 right?

9 A Yes. But if the well is a dry hole or if the well
10 never pays out then they are out quite a sum of additional
11 funds. So it can go either way.

12 Q Right. Which is why they have pre-paying and they
13 have those kind of options, and sometimes they defer it,
14 sometimes they don't.

15 But if you have a non-operator that is
16 participating in 99 percent of your wells, do you think
17 that you're going to be stiffed on that? Is that why they
18 wouldn't allow them to participate?

19 MR. HOGAN: Objection. Form.

20 A I don't know.

21 Q (By Ms. Rudnicki) Did you --

22 A Well, let me say this. I say I don't know. I
23 know that Yukon failed to make a timely election to
24 participate, and so Mewbourne had already taken the
25 position that they failed to make an election and proceeded

1 A No, I haven't seen a green card. I have seen the
2 U.S. Postal Service and the document -- or the company,
3 whatever it is, .com.

4 Q Simple Certified that you didn't even know about
5 until today when I showed it to you.

6 A Yes.

7 Q Right?

8 A That's right.

9 Q Okay.

10 A And --

11 Q So when you wrote your report and said --

12 A May I please --

13 Q Let me finish real quick.

14 MR. HOGAN: Well, hold on. He was in the
15 middle of an answer. I do think if there is more you had
16 on the answer, you need to complete it.

17 THE WITNESS: Yeah, I mean --

18 MS. RUDNICKI: Hold on. The question is,
19 "Simple Certified that you didn't even know about until
20 today when I showed it to you."

21 You said, "Yes."

22 And I said, "Right?"

23 And you said, "That's right."

24 Q (By Ms. Rudnicki) You want to add on to that?

25 A Yeah. I mean, the green cards is, you know, what

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<p style="text-align: right;">Page 165</p> <p>1 I'm familiar with and the process. I understand there may 2 be different ways to now send certified letters, and 3 apparently there is, you know, new, 21st century ways to do 4 it and new services that are offered. And some companies 5 probably find that very helpful and reasonable and cost 6 saving or time saving. 7 And so, you know, yeah, but you're right, there is 8 no green card. But there is a -- or, well, there is notice 9 from the post office that they delivered that envelope, 10 that letter. There's also confirmation that someone at 11 Yukon signed for the letter, and then there is also -- I 12 mean, it -- the post office sent back to Mewbourne the fact 13 that they did deliver that item to Yukon. 14 Q And so based on your understanding the way green 15 cards work, there would be a different signature per green 16 card per envelope; correct? 17 A Yes. 18 Q Do you know whether or not there was a different 19 signature for each envelope that was delivered on January 20 10th? 21 A No, I do not. 22 Q Have you even attempted to determine that? 23 A No, I haven't. 24 Q Do you know that you have the documents available 25 to you that have been produced by both of those parties</p>	<p style="text-align: right;">Page 167</p> <p>1 proposal show the proportionate costs that was to be 2 submitted by Yukon to Mewbourne? 3 A Not on the AFE, no. 4 Q Anywhere? 5 A No. 6 Q If a party does not receive a certified mail -- 7 no. If a party does not receive a letter that is supposed 8 to be sent, how would it know that it received it? 9 MR. HOGAN: Objection to form. 10 A Well, I imagine there would be several things that 11 a party, if they are expecting a notice, and if it doesn't 12 arrive when they expect it, they can contact the party that 13 is supposed to send it and ask them. 14 Q (By Ms. Rudnicki) And they did that here; right? 15 A They inquired about when will you be sending out 16 the notice, and they said, Well, we'll be sending it out 17 next Monday or what have you, and it turned out they sent 18 it out on the 8th and it was delivered on the 10th of 19 January of this year. 20 You know, if -- and to me this is the 21 responsibility of every non-operator is to manage your 22 interest. Don't expect someone else to manage it for you. 23 And so, you know, they could have inquired further. They 24 should have known or did know when the well was going to 25 spud and that --</p>
<p style="text-align: right;">Page 166</p> <p>1 that you could make that determination and you could have 2 investigated this, but you did not? 3 A No. 4 MR. HOGAN: Objection to form. 5 Q (By Ms. Rudnicki) What is the basis for Mewbourne 6 discretion in not allowing an extension in this case? 7 MR. HOGAN: Objection. Form. 8 A Why they didn't grant an extension only Mewbourne 9 can answer that question. 10 Q (By Ms. Rudnicki) Did you ask Mr. Shepherd? 11 A No, I did not. 12 Q Have you asked anyone? 13 A No, I have not. 14 Q Are you familiar with pool busting? 15 A Familiar with what? 16 Q Pool busting. Pooling, busting, busting pools, 17 pooling orders, that kind of thing, busting a pool. 18 A Besting a pool. 19 Q Bust, b-u-s-t. 20 A Oh, busting. I still don't understand. Busting a 21 pool -- 22 Q No. I'm asking you if you are familiar with that 23 phrase, yes or no. And it sounds like the answer is no. 24 A The answer is no. 25 Q Does the AFE that was provided with the well</p>	<p style="text-align: right;">Page 168</p> <p>1 Q Oh, they did? 2 A Well, in the proposal -- was it end of December 3 when Mewbourne sent out the proposal letter or it had other 4 information, but had an AFE attached, they said -- I think 5 it was their -- or it may have been some emails they were 6 anticipating spudding the well in late January. 7 So I think Yukon should have known that, well, we 8 haven't made an election yet and time is coming close, we 9 ought to inquire and look into this. 10 Q And they did, didn't they? 11 MR. HOGAN: Objection. Form. 12 A Not until after the election period had passed. 13 Q (By Ms. Rudnicki) And the election period comes on 14 the date it was delivered; right? And we already know 15 there is an issue as to whether or not it was delivered, 16 and my client takes the position that it was not delivered 17 to them. Just assume with me that that is the case. They 18 don't have any notice that they got it. Okay? 19 Whether you want to agree with me or not, that's 20 the situation. Those are the facts in this case. That's 21 the allegation. Do you agree with that or not? 22 A I don't agree with that. 23 Q You don't agree that's the allegation? 24 A Oh, I agree that's the allegation. 25 Q Are you capable of, based on that allegation, of</p>

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